

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

VALENTINO MARTINEZ,

Defendant.

Case No. CR96-5055RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Defendant's Motion to Reduce Sentence Re: Crack Amendment [Dkt. #68]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

On December 20, 1996 the Honorable Jack E. Tanner sentenced the defendant to 210 months. He seeks a sentence reduction based on the recent amendments to the United States Sentencing Guidelines that generally reduce by two levels the base offense levels for cocaine base ("crack") found in U.S.S.G. 2D1.1. See U.S.S.G. App. C amend. 706. The record reflects, however, that the defendant's sentence was based on a quantity of powder, not crack, cocaine. The defendant's sentence thus was not "based on a sentencing range that has subsequently been lowered." 18 U.S.C. §3582(c)(2), and this Court is without jurisdiction to reduce the defendant's sentence. Defendant's Motion to Reduce Sentence Re: Crack Amendment [Dkt. #68] is **DENIED.**

